IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TOM BOWMAN,	)	
	)	
Petitioner,	)	
	)	CIVIL ACTION NO.
v.	)	2:18-CV-866-WHA
	)	[WO]
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

ORDER

Before the court is Petitioner Tom Bowman's Notice of Appeal (Doc. # 22), which the court construes as containing a motion for leave to appeal *in forma pauperis* and a motion for a certificate of appealability. Those motions are due to be denied.

"An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). In making this determination as to good faith, the court must use an objective standard, such as whether the appeal is "frivolous," *Coppedge v. United States*, 369 U.S. 438, 445 (1962), or "has no substantive merit," *United States v. Bottoson*, 644 F.2d 1174, 1176 (5th Cir. Unit B May 1981) (per curiam). Further, a certificate of appealability is necessary before a petitioner may pursue an appeal in a habeas corpus proceeding. *See* 28 U.S.C. § 2253(c). To mandate the issuance of a certificate of appealability, a petitioner must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *see also Barefoot v. Estelle*, 463 U.S. 880, 893 (1983).

Applying these standards, the court is of the opinion that Bowman's appeal has no legal or factual basis and, accordingly, is frivolous and not taken in good faith. *See Rudolph v. Allen*, 666 F.2d 519, 520 (11th Cir. 1982) (per curiam). In addition, for the reasons given in the Order denying the "Motion for Rule 60 Relief" (Doc. # 19), the court finds that Bowman has not made a substantial showing of the denial of a constitutional right.

Accordingly, it is ORDERED that Bowman's motion for leave to appeal i*n forma pauperis* (Doc. # 22) and his motion for a certificate of appealability (Doc. # 22) are DENIED.

DONE this 8th day of August, 2019.

/s/ W. Harold Albritton
SENIOR UNITED STATES DISTRICT JUDGE